

cuted in the name of the State, and for the use of the State, by the solicitor of the State in the superior court.

Vacancies how filled.

SEC. 6. *Be it further enacted*, That in case any of the commissioners herein named, shall refuse to accept the appointment, or in case of the resignation, death, or inability of any of them after acceptance, the county court of Watauga county is hereby invested with full power to fill such vacancy, a majority of the justices of the peace of said county being present at the filling thereof.

Compensation

SEC. 7. *Be it further enacted*, That the commissioners of said road, for the services rendered in pursuance of this act, shall receive for each day necessarily employed therein, such sums as a majority of the justices of the peace in said county, at any of the terms of the county court may allow, not exceeding one dollar and fifty cents per day, to be retained out of any moneys in their hands appropriated to the use of said road.

Appropriation.

SEC. 8. *Be it further enacted*, That such sums of money as may have been paid into the public treasury since the first January, 1852, and such other sums as may be paid in during the three years next ensuing the ratification of this act, for vacant lands in the county of Watauga, not exceeding one thousand dollars, shall be appropriated to the improvement and keeping in repair the road aforesaid, and to the construction and keeping in repair the necessary bridges thereon, and shall be paid over by the public treasurer to the commissioners of said road; and it shall be their duty to receive the same, and also contributions either in money or labor by individuals, that may be made for the improvement of said road, and shall faithfully apply the same towards completing the improvements in said road contemplated by this act.

To give notice.

SEC. 9. *Be it further enacted*, That the said commissioners shall give due notice by public advertisement at three or more public places in said county, at least twenty days before the letting of the contract for the improvement of the road aforesaid, and shall proceed to let the same to the lowest bidder, at the time and on the terms specified in said advertisement, and shall take bond and approved security from each contractor, payable to the State of North-Carolina, conditioned for the faithful performance of his contract; and for a breach of the conditions of such bonds, suit may be prosecuted in the name of the State: and the commissioners shall receive all sums that may be recovered in such suit, and all sums that may be paid on such bonds, and apply them to the payment of work done on said road.

Account.

SEC. 10. *Be it further enacted*, That after the expiration of the term of six years, mentioned in the fourth section of this act, the said road shall be under the jurisdiction of the